

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 11-77V

Filed: July 10, 2015

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UNPUBLISHED

SHERRIL K STILLWELL, \*

\*

Special Master Hamilton-Fieldman

\*

Petitioner, \*

\*

v. \*

\*

Attorneys' Fees and Costs; Reasonable

\*

Amount Requested to which Respondent

\*

SECRETARY OF HEALTH \*

Does Not Object.

AND HUMAN SERVICES, \*

\*

\*

Respondent. \*

\*

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Sol P. Ajalat, Ajalat & Ajalat, North Hollywood, CA, for Petitioner.

Alexis B. Babcock, United States Department of Justice, Washington, DC, for Respondent.

### DECISION<sup>1</sup>

On February 7, 2011, Sherril K. Stillwell ("Petitioner") filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 *et seq.* (2006) ("Vaccine Act"). Petitioner alleged that the administration of an influenza ("flu") vaccine on February 22, 2008 caused her to suffer from a demyelinating brain disorder with a lesion. Petition ("Pet.") at 1-3. On June 17, 2013, then Chief Special Master Campbell-Smith dismissed the Petition. A Motion for Review with the United States Court of Federal Claims was filed on July 9, 2013 and was denied on August 21, 2014. A Notice of Appeal with the United States Court of Appeals for the Federal Circuit was filed on October 10, 2014 and a Notice of Entry of Judgment without Opinion, affirming the decision that was appealed, was filed on June 15, 2015.

On July 10, 2015, Respondent filed a Stipulation of Facts Concerning Final Attorneys' Fees and Costs.<sup>2</sup> Pursuant to their Stipulation, the parties have agreed to an award of \$54,875.00

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<sup>1</sup> The undersigned intends to post this unpublished decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107 347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to file a motion for redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." In the absence of such motion, the entire decision will be available to the public. *Id.*

<sup>2</sup> A Joint Stipulation of Facts regarding Interim Attorney's Fees and Costs was filed on June 21, 2013; a decision awarding \$97,500.00 in interim attorneys' fees and costs was issued on June 21, 2013. Decision, ECF No. 36.

in attorneys' fees and \$2,495.99 in attorneys' costs. In accordance with General Order Number 9, Petitioner represents that she has not incurred any costs in pursuit of her claim.

The undersigned finds that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$57,370.99, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Sol P. Ajalat.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<sup>3</sup>

**IT IS SO ORDERED.**

/s/ Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.